

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Helena Headquarters -- 1420 East 6th Avenue
Helena, MT 59620
February 12, 2004

Commission Members Present: Dan Walker, Chairman; Tim Mulligan, Vice-Chairman; John Lane; Mike Murphy; John Brenden via telephone.

Fish, Wildlife & Parks Staff: Jeff Hagener, Director; FWP Department personnel.

Guests: Tom Helm, Marvin Holtz, Tim Frederick, Bill Berg, Mike Hedrick, Jim Martin, John Wilson, Linda Peterson, Shane Mintz, Cheryl Hutchinson, Bud Holste, Tom Powers, Gary Habeck, Ann Goldham, Stephen Kibick, Gail Stensland, Rita Blouke, Russ Copeland, Shane Johnson, Mary Ellen Schnur, Larry Rattray, Steven Wilson, Neil Horne, Ted Washburn, Howard Wendler, Robin Cunningham, Bill Holdorf, Larry Copenhaver, John Murnane, T. A. Mendyke, Craig Sharpe.

Topics of Discussion:

1. Opening - Pledge of Allegiance
2. Approval of December 11, 2003 Commission Minutes
3. Approval of December 19, 2003 Conference Call Minutes
4. Approval of January 5, 2003 Conference Call Minutes
5. Approval of Commission Expenses through December 31, 2003
6. Approval of Commission Expenses through January 31, 2004
7. Employee Recognition Award to Ray Mule' for 20 Years of Service
Employee Recognition to Regena Peterson for 1 Year of Service
8. Angevine and Weigh Station FAS – Final
9. Canyon Ferry / Three Forks Pond Commercial Fishing Regulations – Tentative
10. Clark's Lookout State Park Road Easement to Beaverhead County – Final
11. Tower Rock Transfer from Montana Department of Transportation to Create a State Park – Final
12. Approve FWP Fiscal & Legislative Priorities
13. Blackfoot Clearwater WMA Conservation Easement with DNRC
14. Annual Prairie Dog Rule - Shooting in 2004 – Final
15. Big Game General Hunting Regulations - Final
Hunter Safety Rule Amendment
Rule for 5-Year Elk Waiting Period
16. 2004 Moose, Sheep and Goat Seasons – Final
17. 2004 Deer, Elk and Antelope Seasons – Final
18. 2004 Game Damage Permit Authorizations – Final
19. Spring Turkey and Spring Black Bear Quotas – Final
20. 2004 Lion Seasons and Hunting District Boundaries – Final
21. 2004 Upland Game Bird Seasons – Final
22. Law Enforcement Definition Changes
23. Public Opportunity to Speak on Issues Not Discussed at this Meeting

1. Opening - Pledge of Allegiance. Chairman Dan Walker called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

2. Approval of December 11, 2003 Commission Minutes.

3. Approval of December 19, 2003 Conference Call Minutes.

4. Approval of January 5, 2003 Conference Call Minutes.

Action: Mulligan moved and Lane seconded the motion to approve the minutes of the December 11, 2003 meeting, the December 19, 2003 meeting, and the January 5, 2004 meeting. Motion carried.

5. Approval of Commission Expenses through December 31, 2003.

6. Approval of Commission Expenses through January 31, 2004.

Action: Murphy moved and Walker seconded the motion to approve the December 31, 2003 and January 31, 2004 Commission expenses as presented. Motion carried.

7. Employee Recognition Award to Ray Mule' for 20 Years of Service. Director Jeff Hagener read a letter of appreciation for Ray Mule's many accomplishments and dedication to the Department. Hagener presented Ray with a knife as a symbol of appreciation. Hagener acknowledged Regena Peterson for 1 year of service to the Department. A ceremony prior to this meeting was held where she was presented with a beautiful Montana Silversmith Bear head necklace.

8. Angevine and Weigh Station FAS – Final. Chris Hunter, FWP Fisheries Division Administrator, explained that FWP proposes to purchase a 6-acre site along the Blackfoot River, known as the old Weigh Station, from Plum Creek Timber Company for \$200,000. Funding would come partially from Fishing Access money and partially from federal Land and Water Conservation Funds. The highway easement located at the Weigh Station will be discharged by Plum Creek and the Department of Transportation prior to acceptance by FWP. Hunter said an independent appraiser assessed the value of the property in September of 2002; it no doubt would appraise at a higher value now.

The Angevine Park proposal is an 8-acre highway easement, previously used as a rest stop, which would be transferred from Montana Department of Transportation (MDT) to FWP for recreational purposes at no charge to the Department. Originally, the Anaconda Copper Mining Company granted the easement to the State of Montana for highway improvements, parking sites, camping and recreation. Plum Creek Timber now owns this tract and would still retain the right to remove timber. If FWP does not act on this proposal, Plum Creek will sell the land and the public will undoubtedly lose access to the Blackfoot through both sites.

Brenden stated he is not in favor of spending \$200,000, and feels Plum Creek is asking too much for this site. Murphy expressed concerns about money spent for acquisition and maintenance of properties. Hunter said that the Department does not plan to implement any capitol improvements at this time. The Weigh Station site is the lowest site on the Blackfoot, and due to plans to remove Milltown Dam, work will be done in the confluence area; FWP would wait to see what develops at that point. Currently, a caretaker works a route on the lower Blackfoot, but both sites would be managed as primitive sites.

Walker said he sees this as a positive move, it would provide two more access sites for the public. **Hunter** agreed, saying if the Department does not acquire these two sites, the public would view it as eliminating two sites already used as fishing access sites. **Mulligan** agreed, saying FWP needs to maintain public access, as there are social problems associated with this river already. If these two sites are not approved now, other sites will be sought later - undoubtedly at higher costs. **Murphy** agreed these sites would make beneficial additions, particularly since they are already being utilized by the public as access sites.

*Action: **Murphy** moved and **Mulligan** seconded the motion to approve the fee title acquisition of the Weigh Station tract and the transfer of the highway easement from MDT to FWP for the Angevine Park tract.*

Discussion on Motion: Robyn Cunningham, Fishing Outfitters Association, and John Wilson, Montana Trout Unlimited, stated they and their organizations are highly in favor of FWP acquiring these sites.

Action on motion. Motion carried. Four in favor - 1 opposed. (Brenden opposed).

9. Canyon Ferry / Three Forks Pond Commercial Fishing Regulations – Tentative. **Chris Hunter, FWP Fisheries Division Administrator**, said the commercial fishing permit that was authorized to Richard and Donna Greene in 2003 for harvesting carp from Canyon Ferry Reservoir was not utilized last year. The Greenses are again applying for a commercial permit with the same conditions imposed upon them as before. However, this year they are requesting Three Forks Pond be included as well. **Bruce Rich, FWP Region 3 Fisheries Manager**, suggested this as an opportunity for Mr. and Mrs. Green. If successful, and they wish to continue next year, they will be required to apply for a different type of permit. The public comment period will be open for 30 days. **Hunter** said this is not a competitive process, and he noted that no other individuals have expressed interest in pursuing commercial fishing in Canyon Ferry.

*Action: **Mulligan** moved and **Lane** seconded the motion to approve the regulations for a commercial fishing operation on Canyon Ferry Reservoir and Three Forks Pond. Motion carried.*

10. Clark's Lookout State Park Road Easement to Beaverhead County – Final. **Doug Monger, FWP Parks Division Administrator**, said the Department proposes to grant a right-of-way easement to Beaverhead County for a county road north of Dillon that crosses through Clark's Lookout State Park. Beaverhead County has never acquired a legal easement for this road. Additionally, a temporary emergency access route will be extended through the Park for those occasions when trains block the county road and highway intersection. The Department recommends granting the easement.

*Action: **Mulligan** moved and **Murphy** seconded the motion to grant the right-of-way road easement to Beaverhead County as recommended by the Department. Motion carried.*

11. Tower Rock Transfer from Montana Department of Transportation to Create a State Park – Final. **Doug Monger, FWP Parks Division Administrator**, said Tower Rock is a 136-acre parcel of land located along Interstate 15 between Wolf Creek and Cascade owned by Montana Department of

Transportation (MDT). Tower Rock is a significant piece of history relative to Lewis & Clark's travels when members of the expedition climbed up and made location recordings and journal entries about "leaving the plains and entering the Rocky Mountains".

MDT acquired the land for highway right-of-way and materials, but now find it to be a surplus piece of property to them. During the 2003 legislature, HB601 was passed that restricts the state from disposing of this property, so the transfer to FWP would be a natural transference. If MDT retains the property, any interpretive developments would not be incorporated in the state parks system, but within MDT. Because the transfer of property between the two state agencies is administrative, no Environmental Assessments or public involvement is necessary. FWP will also acquire an easement from MDT along the north end of the property.

Action: Lane moved and Walker seconded the motion to accept the Tower Rock parcel from Montana Department of Transportation.

Discussion on Motion: **Murphy** asked if there would be annual costs related to this acquisition. **Monger** replied there would be incidental costs at approximately \$2,000 per year. FWP would provide weed control, though income from a small agricultural lease on the property would pay the majority of those costs. Improvements may consist of a small parking area and an interpretive trail with signage, but local individuals have expressed interest in protecting Tower Rock as a Lewis and Clark attraction on the Missouri River corridor, and have volunteered to assist in the provision of improvements to the site.

Cheryl Hutchinson, a member of several Lewis & Clark organizations, Steve Kubick, Upper Missouri Lewis & Clark Bicentennial Committee, Marvin Holtz, neighbor to Tower Rock, and Gail Stensland, Upper Missouri Lewis & Clark Bicentennial Committee all spoke in favor of FWP accepting Tower Rock. They feel it has great historical value, is a great tourism resource, and access to the site is good.

Monger called to the Commission's attention the fact that the Bicentennial Committee has donated \$5,000 to the Tower Rock project. **Walker** thanked them for their support, as well as for the much-needed assistance.

Action on Motion: Motion carried.

12. Approve FWP Fiscal & Legislative Priorities. **Chris Smith, FWP Chief of Staff**, stated the executive budgeting process is underway. State law requires the Commission to review and approve the FWP budget prior to submission to the Governor. The Department and Commission discuss broad programmatic priorities at the beginning of the budget process, then address specific budget items at mid-year, which will be the June, 2004, meeting this year. Priorities are developed through contacts with individuals and sportsmen's groups. Input was also received during the development of FWP's Strategic Plan. **Smith** provided a booklet outlining the current and projected status of major funding sources, and a draft outline of programmatic and legislative priorities for FY2006/2007. Priorities are primarily structured according to administrative functions as well as the three resource program areas of which are fisheries, wildlife, and parks. Smith gave a brief overview of these identified priorities.

FISHERIES. Key elements of the Fisheries program include Fisheries Management, Fisheries Habitat, Fishing Access, Aquatic Education, and Law Enforcement. Priorities within the Fisheries Program include enhancing warm water fisheries programs, establishing a research program to address management and genetic issues, expanding survey and inventory in Eastern Montana, cleaning up the PCB contamination at Big Springs, increasing FAS maintenance and operations, and addressing illegal fish introductions. Statute amendments FWP plans to pursue relate to enhancing funding for warm water fisheries programs, and reauthorizing and streamlining private land FAS programs.

Mulligan said the public routinely expresses concerns about access and enforcement, and although the concept of research is fine, he does not wish to see monies diverted from these two issues. He also suggested increasing efforts to inventory rivers and their natural resources by factoring in River Recreation Advisory Council studies.

Smith stated that there are varied circumstances between Western, Eastern, and mid-Montana rivers regarding access and management issues. Eastern Montana does not have the needed access, and desires enhancements in this area. The Department is still determining the magnitude of cleanup at Big Springs Hatchery, but said costs incurred would be paid from the capitol budget. Additional funding may be sought.

Smith stated that the Department, in order to mitigate impacts, is expanding the inventory of fisheries and monitoring water quality in areas where coalbed methane development is occurring. He added FWP works extensively with the Department of Environmental Quality on these types of issues. **Hagener** noted that most agencies rely on FWP to monitor the waters, and he added that FWP recognizes the need to augment access and enforcement areas. He said, however, during the 2003 legislative session, legislators decreased enforcement in general, and legislation was introduced to totally eliminate enforcement within FWP. The proposed bills died, but FWP still lost some of the base program funding. **Walker** has heard concerns that enforcement spends too much time on trespass issues when the enforcement resources could be used in other areas of need.

WILDLIFE. Key elements of the Wildlife program include Wildlife Management, Habitat Conservation, Access, Wildlife Education, and Law Enforcement. Priorities within the Wildlife Program include expanding community based management planning efforts, facilitating technical assistance to landowners, addressing urban wildlife issues, securing matching funds for wildlife grants, monitoring effects of coalbed methane developments, increasing responsibility for wolves and grizzly bears, and increasing investigations into organized commercial violations. Statute amendments FWP plans to pursue relate to reauthorizing the Habitat Montana Program and the Hunter Access Enhancement Program as they are scheduled to sunset in 2006.

PARKS. Key elements of the Parks and Recreation Program include State Parks, Community Grants, Trails, Water-based Recreation, Recreational Education, and Law Enforcement. Priorities within the Parks program include enhancing maintenance and interpretation in State Parks, responding to law enforcement needs regarding "free to fee" Parks, addressing river recreation conflict issues, and increasing boating safety education and enforcement. Statute amendments FWP plans to pursue relate to revising lifetime boating registration to annual registration, securing additional matching funds for boat safety programs, and establishing Boating under the Influence authority.

Smith said statutory actions will focus heavily on boating safety issues. During the last legislative session, boat registrations were changed to lifetime registrations, impacting our Coast Guard funding, as the Coast Guard bases their funding on the number of boats registered annually. The numbers will drop dramatically with the one-time registration.

AGENCY MANAGEMENT. This function of FWP is directed toward personnel, licensing, fiscal resources, building maintenance, administration of public lands, design and construction of department facilities, the vehicle fleet, and other support issues. The goal is to ensure sound financial foundation for the Department, and to manage the resource programs effectively. Priorities will include enhancing public service at the Regional offices, enhancing Regional IT support and web staff, establishing a Safety Officer position due to increased injuries, increasing Legal staff or contracted personnel, assuming more ALS responsibilities, increasing maintenance at Regional offices, and implementing the Broadband Pay Plan. The Legal Department is facing incredible workloads due to litigation, and regional offices have postponed maintenance projects that need dealt with soon. **Smith** said FWP would like the Commission to attain legislative authority to increase fees gradually as opposed to imposing large increases every 10 years.

13. Blackfoot Clearwater WMA Conservation Easement with DNRC. **Jeff Herbert, FWP Wildlife Assistant Administrator**, introduced **Mike Thompson, FWP Region 2 Wildlife Biologist**, reminded the Commission that a detailed presentation of this project had been presented in November, and since that time has gone to the public for comment. Ten Comments were received in support of the project. The Seeley Swan Cemetery Board was assured this project would not affect their Cemetery. The proposal is to acquire 6,850 acres for 1.6 million dollars. This project has been on-going over the last 5 years with DNRC, Rocky Mountain Elk Foundation, Plum Creek Timber, Five Valleys Land Trust, and Lolo National Forest to complete the 50th Anniversary Project on the Blackfoot-Clearwater WMA.

Recreational rights go with this easement, which provides public access. FWP maintains the right to institute special restrictions - particularly the winter closure - if it sees a need. DNRC cannot lease out public recreation. The fee structure remains the same.

***Murphy** moved and **Mulligan** seconded the motion that the proposal be approved to authorize FWP to expend up to 1.6 million dollars from the Montana Habitat Fund to purchase the conservation easement of 6,850 acres of DNRC land within the Blackfoot Clearwater Wildlife Management Area as recommended by the Department. Motion carried.*

14. Annual Prairie Dog Rule - Shooting in 2004 – Final. **Jeff Herbert, FWP Wildlife Division Assistant Administrator**, introduced **Heidi Youmans, FWP Non-Game Bureau Chief**, who said there is no change from the last two year's regulations – it is identical to the regulations in 2002 and 2003. This rule is to extend protection to the state's white-tailed prairie dog population on 100 acres in Carbon County, to protect and promote the success of the blackfooted ferret reintroductions on BLM lands in Phillips County on 25,000 acres, and to provide protection to prairie dogs on federal lands in central and eastern Montana during the birthing / rearing period.

When **Murphy** asked if there had been any attitudinal changes by landowners, Youmans replied that she does not feel there has been. There are those who believe shooting them controls them, and those who believe shooting them stimulates population growth.

Discussion ensued regarding whether this rule should be addressed annually or if it could be entertained biennially. **Bob Lane, FWP Legal Counsel** advised that there is no difference in the biennial or annual rule processes.

*Action: **Mulligan** moved and Lane seconded the motion to approve the final Prairie Dog Rule as recommended by the Department with the amendment to change it to a biennial rule. .*

Walker stated he sees no advantage to changing to a biennial rule, that it is incumbent upon them to illustrate their concern for the species and its population. He does not want the public to interpret this change as a lack of interest. **Brenden** feels annual rules work best for adaptive management. **Mulligan** said this is a confirmation of maintaining shooting restrictions for two years instead of one, which is a positive move, not negative.

Action on Motion: Motion carried. Four in favor - one opposed. (Brenden opposed).

15. Big Game General Hunting Regulations - Statewide Issues - Final.

Hunter Safety Rule Amendment

Upland Game Bird Extension

2005 Saturday Season Opening

5 Year Waiting Period on Elk Permits

August 15 Archery Opening Date for 900 Series Permits for Antelope

Hunter Safety Rule Amendment. **Thomas Baumeister, FWP Hunter Education Coordinator**, said FWP is requesting an amendment to Administrative Rule 12.3.120 due to an inconsistency created by the 2003 Legislative Session's passage of HB396. ARM 12.3.120 currently reads that Montana residents under age 18 must possess a Montana hunter safety card as proof of completion of a hunter safety course to be eligible to purchase a hunting license or enter special drawings. HB396 requires any person who is born after January 1, 1985, to provide a certificate of completion from a hunter safety and education course before the person may be issued a Montana hunting license. **Baumeister** said the amendment being sought would correct the inconsistency between the Rule and the Statute.

Mulligan inquired about the accessibility and maintenance of the record keeping system, and asked if classes will need to be offered to those older folks who have not attended a class. **Baumeister** said the centralized database in Helena contains records for anyone who has taken hunter education since 1957, and can be retrieved online. Once a license is purchased, that information is stored in the Automated Licensing System (ALS). The need for additional courses is being monitored, and the Department is exploring the option of offering portions of hunter education online. Volunteer instructors are not in favor of web classes as they feel it is important for youth to actually handle a firearm while being supervised.

Lane asked if FWP can tie into other state's systems to verify a nonresident's proof of a hunter safety course. **Baumeister** replied not at this point in time, that certificates have to be provided. Montana does accept other state's certificates. A list of out of state telephone numbers has been developed, and is located on-line.

*Action: **Lane** moved and **Walker** seconded the motion to approve the amendment to the Hunter Safety Administrative Rule 12.3.120 to read "A person born after January 1, 1985 must provide proof of completion of a hunter safety course as required by 87-2-105, MCA to apply for a hunting license or special drawing". Motion carried.*

Upland Game Bird Extension. **Herbert** said the proposal to extend the Hungarian Partridge, pheasant, and sharp-tailed grouse season from December 15 to January 1 was viewed positively by hunters, but negatively by landowners. Bird vulnerability and fair chase were concerns, as was the additional two weeks that landowners had to deal with hunters. The Department recommends retaining the December 15 ending date.

Brenden said the extension is a feasible proposal, and **Mulligan** stated that the Upland Gamebird Committee recommends the extension as well. When Mulligan asked if turkey and mountain grouse would be included, **Herbert** said it would be appropriate to include them, and all species of mountain grouse should be included.

*Action: **Brenden** moved and **Mulligan** seconded the motion to extend the season on all species of grouse, (except sage grouse) Hungarian partridge, pheasants and turkeys from December 15 to January 1 of the following year.*

Amendment to motion: Walker moved and Lane seconded the motion to amend the previous motion to remove Mountain Grouse from this regulation, due to weather conditions making mountain grouse largely inaccessible, and to include Sharptail Grouse.

Jim Williams, FWP Region 1 Wildlife Manager, said this is not a biological issue. Roads will be difficult to maneuver on due to snow conditions. He added that comments were not received on Mountain grouse, as they were not in the original proposal. Proposals will need to be taken before the Tribal Commission.

Action on Amendment to remove Mountain Grouse for the extension period: Motion carried. Four in favor - one opposed. (Murphy opposed).

Action on Motion to extend the season through January 1 inclusive of the amendment: Motion carried.

2005 Saturday Season Opening. Mixed comments were received. Sporting businesses were opposed due to the large volume of business normally occurring on Saturday being pushed to Friday evening. Concern was also expressed regarding the high volume of license sales overloading providers and ALS. The Department is recommending retaining the Sunday opening day.

*Action: **Murphy** moved and **Mulligan** seconded the motion to retain Sunday big game season opening date as recommended by the Department. Motion carried.*

Season Criteria for General Big Game Season. FWP recommends establishing criteria for season structure options as a means to achieve management goals, with season extensions considered only under extenuating circumstances. Consideration would be directed toward the status of the population of a species and the weather pattern. This would be reviewed district by district, and would be discussed by the Commissioner in that region and by the FWP Regional Supervisor. **Mulligan** said tight criteria needs to be established.

Don Childress, FWP Wildlife Division Administrator, stated that an Administrative Rule is already in place specifying management, therefore moving forward with a management season requires only a normal process for season setting.

*Action: **Walker** moved and **Lane** seconded the motion to approve the Department recommendation to modifying the existing Administrative Rule to provide authority to set criteria for management goals and for extension of seasons. Motion carried.*

5 Year Waiting Period on Elk Permits in Limited Draw Hunting Districts. Herbert said public comment was generally supportive of this proposal as it relates to fairness and equitability. Some comments stated they had hoped the Bonus Point Preference System would have relieved some pressure. Some felt 3 years was better than 5, and some felt 7 was applicable. FWP recommends a 3-year waiting period as opposed to the 5-year waiting period.

Herbert said it is important that those districts involved are clearly articulated. They include 311-20, 311-21, 313-10, 313-11, 313-12, 313-13, 314-24, 339-20, 362-11, 380-20, 401-20, 410-20, 411-20, 412-20, 417-20, 420-20, 425-20, 426-20, 441-20, 445-20, 447-20, 450-20, 455-20, 500-20, 502-20, 520-41, 570-20, 575-20, 580-21, 580-22, 590-20, 590-21, 620-20, 621-20, 622-20, 631-20, 632-20, 690-20, 690-21, 798-20, and 799-20.

Questions were raised relative to landowner preference. **Herbert** clarified that the rule regarding landowner preference says preference is extended to individuals as part of a family group or employees of a ranch, not preference by a particular parcel or piece of ground.

Brenden said landowners should be allowed to shoot on their own land, therefore, is opposed to landowners being included in this recommendation. He said he is not in favor of the waiting period, and is also against Bonus Points. (Correction made at March meeting – Brenden said he is not against Bonus Points). **Murphy** does not support a waiting period on elk hunting either. **Mulligan** and **Lane** stated they have mixed feelings. **Mulligan** is concerned there may be conflicts if a waiting period is not imposed on archery hunting as well as rifle hunting.

*Action: **Brenden** moved and **Murphy** seconded the motion to remain as currently operating and not establish a waiting period. Motion carried. Four in favor - one opposed. (Walker opposed).*

August 15 Archery Opening Date for 900 Series Archery-Only Permits for Antelope. Herbert said this was strongly supported by bowhunters. The opposition stemmed from folks concerned about the fire danger associated with the late August time period. Meat spoilage was also of concern at that time of year. Block Management cooperators expressed concerns relative to dealing with hunters for

extended periods of time. Based on the fire concerns and Block Management Cooperators' concerns, the Department does not recommend the August 15 opening date. The season ends November 7.

Hagener said Block Management landowners are concerned about payment if they close their land if the Department changes the season. The agreement says they are eligible for payment only if they remain open for the whole season. PL/PW is looking into this situation, as it is not equitable to the landowners if the Department changes the season. **Mulligan** said it is imperative that landowners receive payment if FWP changes the season on them.

Action: Murphy moved and Lane seconded the motion to accept the proposal and authorize the 900 Series Archery Season to begin August 15 as opposed to the September 4 opener. November 7 closure.

Action: Mulligan moved and Murphy seconded the motion to allow the 900 Season to continue to November 9, as in 2003. No action taken as Murphy amended his motion - see below.

Amendment to Motion: Murphy amended his original motion to state the ending date would be consistent with the traditional November date, closing the same date as the deer and elk archery season. November 7 closure. Motion carried.

16. 2004 Moose, Sheep and Goat Seasons – Final. Gary Hammond, FWP Wildlife Biologist, and Jeff Herbert, FWP Wildlife Assistant Administrator, presented the proposed recommendations to the tentatives for the 2004 Moose, Sheep, and Goat Seasons.

MOOSE.

Region 1 - Moose. No proposed changes to the tentatives.

Action: Murphy moved and Lane seconded the motion to approve the Region 1 Moose regulations as recommended by the Department. Motion carried.

Region 2 – Moose.

Create a new moose hunting district (HD291) in the East Garnet Range with 1 either sex permit.

Action: Murphy moved and Lane seconded the motion to approve the Region 2 Moose regulations as recommended by the Department. Motion carried.

Region 3 - Moose - No proposed changes to the tentatives.

Action: Mulligan moved and Lane seconded the motion to approve the Region 3 Moose regulations as recommended by the Department. Motion carried

Region 4 - Moose - No proposed changes to the tentatives.

Action: Lane moved Murphy seconded the motion to approve the Region 4 Moose regulations as recommended by the Department.

Discussion on Motion: Walker said he had been contacted regarding a white moose in the Checkerboard area. The parties are requesting the Commission implement a stipulation to eliminate hunting of albino moose. **Murphy** said he does not feel color makes any difference and he would not support any protection for such an animal. No motions were made to initiate a stipulation for protection of albino moose.

Action on Motion: Motion carried.

Region 5 - Moose - No proposed changes to the tentatives.

*Action: **Walker** moved and **Lane** seconded the motion to approve the Region 5 Moose regulations as recommended by the Department. Motion carried.*

BIG HORN SHEEP

Region 1 - Sheep - No proposed changes to the tentatives.

*Action: **Murphy** moved and **Mulligan** seconded the motion to approve the Region 1 Bighorn Sheep regulations as recommended by the Department. Motion carried.*

Region 2 - Sheep - No proposed changes to the tentatives.

Murphy said several individuals have expressed concern regarding the November 15 closing date extension of HD216.

*Action: **Murphy** moved and **Mulligan** seconded the motion to approve the Region 2 Bighorn Sheep regulations as recommended by the Department with the amendment to retain the closing date of October 31 in HD216. Motion carried.*

Region 3 - Sheep - No proposed changes to the tentatives.

*Action: **Mulligan** moved and **Lane** seconded the motion to approve the Region 3 Bighorn Sheep regulations as recommended by the Department. Motion carried.*

Region 4 - Sheep - No proposed changes to the tentatives.

*Action: **Lane** moved and **Murphy** seconded the motion to approve the Region 4 Bighorn Sheep regulations as recommended by the Department. Motion carried*

Region 5 - Sheep - No proposed changes to the tentatives.

*Action: **Walker** moved and **Mulligan** seconded the motion to approve the Region 5 Bighorn Sheep regulations as recommended by the Department. Motion carried.*

Region 6 - Sheep - No proposed changes to the tentatives.

*Action: **Brenden** moved and **Walker** seconded the motion to approve the Region 6 Bighorn Sheep regulations as recommended by the Department. Motion carried.*

MOUNTAIN GOATS

Region 1 - Goats - No proposed changes to the tentatives.

*Action: **Murphy** moved and **Lane** seconded the motion to approve the Region 1 Mountain Goat regulations as recommended by the Department. Motion carried.*

Region 2 - Goats - No proposed changes to the tentatives.

*Action: **Murphy** moved and **Mulligan** seconded the motion to approve the Region 2 Mountain Goat regulations as recommended by the Department. Motion carried.*

Region 3 - Goats - No proposed changes to the tentatives.

*Action: **Mulligan** moved and **Lane** seconded the motion to approve the Region 3 Mountain Goat regulations as recommended by the Department. Motion carried.*

Region 4 - Goats - No proposed changes to the tentatives.

Action: Lane moved and Murphy seconded the motion to approve the Region 4 Mountain Goat regulations as recommended by the Department. Motion carried.

Region 5 - Goats - No proposed changes to the tentatives.

Action: Walker moved and Mulligan seconded the motion to approve the Region 5 Mountain Goat regulations as recommended by the Department. Motion carried.

17. 2004 Deer, Elk and Antelope Seasons – Final. Gary Hammond, FWP Wildlife Biologist, and Jeff Herbert, FWP Wildlife Assistant Administrator, presented the proposed recommendations to the tentatives for the 2004 Deer, Elk, and Antelope Seasons.

DEER

Region 1 - Deer

HDs 102, 132, and 170: Unlimited antlerless whitetail deer licenses available over the counter.

Action: Walker moved and Murphy seconded the motion to approve the Region 1 Deer regulations as recommended by the Department. Motion carried.

Region 2 - Deer

HDs 280, 281, 283, and 293: Create 5-week general season youth (ages 12-14) hunting opportunities for either sex whitetail deer.

HD290: Reinstate the 290-20 either sex B licenses for both mule deer and whitetail deer, valid through January 1. Also, increase the antlerless whitetail deer B licenses from 2 to 3. Additionally, close the general deer A license season on November 28.

HD291-50: Allow 25 youth (ages 12-14) mule deer buck permits, coupled with 175 buck permits for the general drawing for a total of 200 buck permits.

Action: Murphy moved and Walker seconded the motion to approve the Region 2 Deer regulations as recommended by the Department with the amendments to set the closing date for HD290 A licenses to December 15, and to set the limit at 200 for general and 25 for youth. Motion carried.

Region 3 - Deer

Maintain existing HD339 with its existing boundary and deer regulations.

Drop the proposal to establish special weapons restriction area in Clark Canyon Reservoir

Murphy discussed his proposal to establish HD 338. He is not in favor of permit hunting, and he does not believe his proposal received a fair hearing due to fabrication of issues and a diversion from the actual issues regarding hunting opportunities by those opposed. He is removing it from consideration within the tentatives, however, he said he will pursue this through another avenue at a later date.

Action: Murphy moved and Mulligan seconded the motion to withdraw the proposal to create HD338 / HD339 (which will affect Elk and Mountain Lion as well). Motion carried.

*Action: **Mulligan** moved and **Murphy** seconded the motion to approve Region 3 Deer regulations as recommended by the Department including the amendments to withdraw HD338, and to drop the tentative proposal for a weapons restriction area in Clark Canyon Reservoir. Motion carried.*

Region 4 - Deer

Delete 404-01, 404-10 and replace with new 404-10 (including HD404 and 450) as follows: Unlimited B licenses September 4 - November 28 Antlerless archery-only either species. Valid entire TSCBP and Weapons Area. Unlimited licenses per hunter.

Teton Spring Creek Preserve - The recommendation that has come on out of meetings regarding Teton Spring Creek is to have unlimited either species permits available, no limit per hunter, will include archery only equipment on existing or current preserve lands, and will include archery-only hunting on lands outside the preserve within a weapons restriction area during the archery season. Will include during the general season for areas outside the preserve but within the restricted area, the use of archery equipment and crossbows.

Herbert said this area should not be referred to as a weapons restriction area because only a subset of weapons normally employed in weapons restrictions areas is being allowed. It would be better referred to as a archery equipment / crossbow restricted area.

Lane stated this is an experiment for this idea, and he would like to see it be approved for only 1 season at this point. **Mulligan** asked what the status is of the Teton Weapons Restricted Area. **Herbert** replied it was adopted as a tentative. If a weapons restricted area definition is adopted, and then a subset of those weapons is adopted, it could cause concerns and confusion. He did not feel it should be adopted as weapons restricted and then change the weapons restrictions. **Walker** suggested calling it a special weapons restricted area, one-year regulation only, and explain it. **Herbert** recommended adopting the creation of a special weapons restriction area, but for 2004 recommend it be archery equipment / crossbow restricted area, then state that in 2005 that it becomes a weapons restriction area. **Lane** said the public needs to be notified of decisions. **Herbert** said this proposal can move forward with what has been discussed, but he suggested referring to it as a archery equipment / crossbow restricted area for 2004 so it is clear in the regulations for 2004. When it is revisited next year, parameters can be changed if necessary.

*Action: **Lane** moved and **Murphy** seconded the motion to approve Region 4 regulations with the noted change to HD404 as recommended by the Department with the archery equipment / crossbow season in the Teton Spring Creek area which would specifically include archery equipment only during the archery season both inside and outside the Preserve. Archery equipment and crossbows allowed only during the general season outside the Preserve in the restricted area, and archery equipment only inside the Preserve. Motion carried.*

Region 5 - Deer

Extend the season for antlerless whitetail deer B licenses through December 15 (not December 31 as proposed) for HD groupings 597-00 (HDs 500, 530, 590), 598-00 (HDs 511, 540, 570, 580), and 599-00 (HDs) 502, 510, 520, 560, 575).

*Action: **Walker** moved and **Lane** seconded the motion to approve the Region 5 Deer regulations as recommended by the Department. Motion carried.*

Region 6 - Deer

Eliminate 100 B licenses for antlerless mule deer in HDs 620-60, 621-60, 622-60

Include language in deer regulations for HDs 417, 620, 621, 622, 630, 631, 632, and 652 that states "not valid in CMR"

*Action: **Brenden** moved and **Lane** seconded the motion to approve Region 6 regulations as recommended by the Department, but change HD640 deer to buck only the first three weeks for mule and whitetail deer until November 15 or the closing Sunday night (three weeks after season starts) and the remaining season be doe only. Motion carried. Four in favor – one opposed (Mulligan opposed).*

Region 7 - Deer - No changes to the tentatives.

*Action: **Walker** moved **Lane** seconded the motion to approve the Region 7 Deer regulations as recommended by the Department. Motion carried.*

ELK

Region 1 - Elk

Eliminate the proposal to change to brow-tined bull / antlerless elk hunting the first 8 days of the general elk season.

Implement a general season brow-tined bull regulation with antlerless elk permits with the following quotas:

HD 100-00: increase antlerless permits from 50 to 100

HD 103-00: increase antlerless permits from 50 to 100

HD 104-00: increase antlerless permits from 50 to 100

HD 121-00: increase antlerless permits from 225 to 450

HD 123-00: increase antlerless permits from 25 to 50

HD 124-00: increase antlerless permits from 25 to 50

*Action: **Murphy** moved and **Walker** seconded the motion to approve the Region 1 Elk regulations as recommended by the Department with the amendment to increase antlerless permits in HD 123-00 to 100. Motion carried.*

Region 2 - Elk

HD 285-00: Retain A-7 licenses and drop the proposal to change to either-sex. A-7 permits would be established at a quota of 200 valid in entire HD285, and another 100 valid only in that portion east of Highway 83.

In HDs 204, 240, 250, 261, and 270, create a brow-tined bull / antlerless elk season for the last 9 days of the general hunting season (Nov 20 - Nov 28), with the balance of the general season (Oct 24 - Nov 19) being brow-tined bull (this proposal only applies to those HDs that are 10% or more over objective).

HD213-80: Change from unlimited A9/B12 licenses to 100 antlerless licenses valid from Sept 1 through Jan 1 outside the National Forest boundary.

Add a new season type, HD213-02, with 50 antlerless permits valid from Jan 1 - Jan 31 outside the National Forest boundary.

HDs 204, 240, 261: Make A-7 elk licenses valid on private land, excluding Plum Creek Timber lands, from Nov 29 - Jan 1. Also, change A9 licenses from unlimited in HD204 and 100 in HD 261, to 200 licenses in HDs 204, 240, and 261 for a total of 600 licenses combined, valid only on private land from Sept 1 - Jan 1.

*Action: **Murphy** moved and **Mulligan** seconded the motion to approve the Region 2 Elk regulations as recommended by the Department. Motion carried.*

Region 3 - Elk

Replace the first 8- day either-sex or brow-tined bull/antlerless proposal with the following (this season proposal is for HDs that are at least 10% over Elk Plan Objective):

In HDs 300,319,321,322,323 (except Wall Cr WMA vicinity), 324, 325, 326, 327, 328, 329, 330, 331, 332 and 341 (including HDs west of the Madison River and south of I-90), the first 8-days of the general season (Oct 24-Oct 31) will be any bull or brow-tined bull (depending on existing bull regulation). The balance of the general season (Nov 1-Nov 28) will be either-sex or brow-tined bull/antlerless (depending on existing bull regulation).(A 48-hour closure order could become operative if harvest becomes excessive).

Additionally, propose to drop all A-9/B-12 licenses, antlerless permits, and A-7 licenses proposed for these HDs.

Replace the first 8-days and last 9-days either-sex or brow-tined bull proposal with the following (this proposal would apply if elk numbers are at least 10% over Elk Plan Objectives):

In HDs 311, 314, 315, 317, 360, and 362, the proposal is for 5 weeks (Oct. 24-Nov. 28) of either-sex or brow-tined bull hunting (depending on the existing bull regulation).

In HDs 312, 390, and 393, the proposal is for the first 4-weeks (Oct 24-Nov 21) to be brow-tined bull/antlerless elk hunting, with the last week (Nov 22-Nov 28) antlerless-only.

In HDs 311, 312, 314, 315, 317, 390, and 393, eliminate all antlerless permit hunting, including A-9/B-12's, antlerless-only permits, A-7 permits, and either-sex permits (the 311 and 362 late hunts will remain).

In HDs 312, 314, 315, 317, and 393, the proposal is to eliminate the two-week extensions

In HDs 300, 311, 312, 314, 315, 317, 319, 320, 321, 322, 323 (outside of Wall Cr. WMA vicinity), 324, 325, 326, 327, 328, 329, 330, 331, 332, 341, and 393, eliminate the proposed tentative for A-9/B-12, and not replace A-9/B-12s with antlerless-only, either-sex or A-7 permits.

Leave HD 339 with it's existing regulation and boundary, and not create a new HD 338.

HD A9/B12 Licenses

300	600 Oct 24 – Nov 28
301	125 Sept 1 – Oct 23 on private land only/Oct 24 – Nov 28 valid entire HD
302	100 Oct 17 – Oct 23 on private land only/Oct 24 – Nov 28 valid entire HD
310	25 Nov 21 – Nov 28 entire HD
311	200 Oct 24-Nov 28 entire HD
312	200 Oct 24-Dec. 12 entire HD
314-80	250 Oct 24 – Nov 17 north half of HD
314-81	250 Oct 24 – Nov 17 south half of HD
314-82	375 Nov 18 – Dec 12 north half of HD
314-83	250 Nov 18 – Dec 12 south half of HD
315	350 Oct 24 – Dec. 12 entire HD
317	350 Oct 24 – Dec 12 entire HD
319	500 Oct 24 – Dec 12 entire HD
320	200 Oct 24 – Dec 12 entire HD
321	500 Oct 18– Oct 23 on private land only/Oct 24 – Nov 28 entire HD
322	120 Oct 24 – Dec 12 entire HD
323-80	350 Oct 24 – Dec 12 not valid on Wall Creek WMA
323-81	100 Oct 24 – Dec 12 entire HD
324	900 Oct 24 – Nov 28 entire HD

325 600 Oct 24 – Nov 28 entire HD
 326 200 Oct 24 – Nov 28 entire HD
 327 700 Oct 24 – Nov 28 entire HD
 328 300 Oct 18 – Oct 23 private land only/Oct 24 – Dec 12 entire HD
 329 500 Oct 18 – Oct 23 private land only/Nov 28 – Dec 12 entire HD
 330 700 Oct 24 – Nov 28 entire HD
 331 600 Oct 18 – Oct 23 private land only/Oct 24 – Dec 12 entire HD
 332 500 Oct 18 – Oct 23 private land only/Oct 24 – Dec 12 entire HD
 333 400 Oct 24 – Nov 28 entire HD
 340 250 Oct 24 – Nov 28 entire HD
 341 175 Oct 18 – Oct 23 private land only/Oct 24 – Dec 12 entire HD
 360, 362-398 500 Sept 1 – Oct 23 private land only/Oct 24 – Nov 28 entire HD (except Bear Cr WMA & 362 late hunt
 390 35 Sept 1 – Oct 23 private land only/Oct 24 – Nov 28 entire HD
 393 250 Oct 24 – Dec 12 entire HD

Eliminate the above quotas (with their attendant A-9/B-12 licenses), with the exception of the following HDs that are at or below population objective:

<u>HD</u>	<u>Quota</u>
302-10	300 brow-tined bull/antlerless permits
320-10	200 brow-tined bull/antlerless permits
333-10	400 brow-tined bull/antlerless permits
340-10	250 brow-tined bull/antlerless permits
361-10	50 brow-tined bull/antlerless permits
HD301	125 to 75 A9/B12 licenses
HD310	Remains 25 A9/B12 licenses
HD360, 362-398	500 to 200 A9/B12 licenses - Season date Oct 24- Feb 15
HD390	Remains 35 A9/B12 licenses
HD323-10	Replace A9s with 100 either sex permits
HD398-80	500 to 200 valid from Oct 24 - Feb 15

In HD 301, reduce the proposed tentative of 125 A-9/B-12 licenses to 75, with the following season dates: Sept. 1-Oct. 23 on private land only; Oct. 24-Nov. 28 valid entire HD.

*Action: **Murphy** moved and **Mulligan** seconded the motion to withdraw the proposal to create a new district HD338 / 339 from consideration. Motion carried.*

Mulligan said HDs 312, 390, and 393, where it has been proposed that the first 4 weeks are either sex and the last week antlerless, he proposed it be 5 weeks of either sex. **Mulligan** also recommended dropping the proposal on boundary change on HD313 and HD314 this year.

Mulligan said in HD311-00, where it currently offer 600 permits through 4 different time periods, he recommends it be changed to 300 permits through the time period of Dec 10 - Dec 13. He further recommends that the time periods of Jan 7-10, Jan 21-24, Jan 28-31 be dropped, as well as drop 311-20, 311-21 from regulations. Under HD 313 and HD314, the boundary change language needs removed. Under HD 313, where it reads 313-13 for 5 permits brow tined bull or antlerless elk or hunt from a vehicle, it should be changed to HD314-10 to reflect the wording of last year. HD314-10 needs added back in to reflect the same wording as last years regulations.

*Action: **Mulligan** moved and **Lane** seconded the motion to approve the Region 3 Elk regulations as recommended by the Department including all recommended amendments as discussed and presented. Motion carried.*

*Action: **Mulligan** moved and **Lane** seconded the motion to approve HDs 301, 360, 361, 362, be youth general season either sex elk as proposed in the tentatives. Motion carried.*

Region 4 - Elk

Add HD 426 to the list of districts where the early 6-day antlerless elk permit is eliminated.

HD 421-00, 423-00, and 450-00: Activate antlerless permits on August 15.

HD 417-00: Extend antlerless permits and A9s to December 15. Not valid on CMR after Nov. 28

004-80 and 498-80: Change the language from "Valid all HDs in R-4 except HDs

401,410,417,445,450,and 455". Replace with" Valid all districts in region 4 except HDs

401,410,420,441,445, and, 455." In HD 450-00, add language to read, "Successful applicants may purchase and use A9/B12 license within permit dates."

*Action: **Lane** moved and **Murphy** seconded the motion to approve the Region 4 Elk regulations as recommended by the Department. Motion carried.*

Region 5 - Elk

Change the proposal to begin the general elk antlerless rifle season in HD 590 on October 24 rather than Sept. 4 as proposed in the tentatives.

Additionally, the following antlerless and either-sex permits are proposed:

590-01 Increase antlerless permits from 80 to 100. Valid Oct.24-Jan.1

590-21 Decrease either-sex and antlerless permits from 75 to 60. Either-sex permits are valid from Oct. 24 to Nov. 28, and then become valid for antlerless elk from Nov.29 to Jan. 1.

HDs 511 and 530: A-9/B-12 licenses are to be issued over-the-counter, and are proposed as unlimited for residents, and limited thru the drawing for nonresidents. Further, these A-9/B-12 licenses would not be linked to 411-00, 411-01, and 411-20 as proposed in the tentatives.

HD 560: Not valid in main Boulder River drainage south of Falls Creek. Additionally, decrease 560-20 permits from 300 to 200.

HDs 560, 575, and 580: For LPTs 560-20, 575-00, and 580-20, extend antlerless season closing dates from December 15 to January 1.

*Action: **Walker** moved and **Lane** seconded the motion to approve the Region 5 Elk regulations as recommended by the Department. Motion carried.*

Region 6 - Elk - No changes to the tentatives.

*Action: **Brenden** moved and **Murphy** seconded the motion to approve the Region 6 Elk regulations as recommended by the Department. Motion carried.*

Region 7 - Elk

Drop the proposal to include either sex elk hunting in HD 703.

Revert to 2003 season structure, with 798-00 and 798-20 elk permits being valid in HD 703, with the following permit quotas:

798-00 - 300 permits - antlerless elk. Valid in HDs 700, 701, 703

798-20 - 125 permits - either sex elk. Valid in HDs 700, 701, 703

*Action: **Walker** moved and **Brenden** seconded the motion to approve the Region 7 Elk regulations as recommended by the Department. Motion carried.*

ANTELOPE

Region 2 - Antelope - No changes to tentatives.

*Action: **Murphy** moved and **Mulligan** seconded the motion to approve the Region 2 Antelope regulations as recommended by the Department. Motion carried.*

Region 3 - Antelope - No changes to tentatives.

*Action: **Mulligan** moved and **Murphy** seconded the motion to approve the Region 3 Antelope regulations as recommended by the Department. Motion carried.*

Region 4 - Antelope

Language changes - replace the word “add” with the word “may”

*Action: **Lane** moved and **Murphy** seconded the motion to approve the Region 4 Antelope regulations as recommended by the Department. Motion carried.*

Region 5 - Antelope

Language changes - replace the word “add” with the word “may”

Extend antelope season for doe/fawn antelope through November 28 (from the present closing date of November 7) for HDs 500-30, 501-30, 510-30, 513-30, 530-30, 550-30, 560-30, 570-30, 571-30, and 590-30.

*Action: **Walker** moved and **Lane** seconded the motion to approve the Region 5 Antelope regulations as recommended by the Department. Motion carried.*

Region 6 - Antelope

Language changes - replace the word “add” with the word “may”

*Action: **Brenden** moved and **Walker** seconded the motion to approve the Region 6 Antelope regulations as recommended by the Department. Motion carried*

Region 7 - Antelope

Language changes - replace the word “add” with the word “may”

*Action: **Walker** moved and **Brenden** seconded the motion to approve the Region 7 Antelope regulations as recommended by the Department. Motion carried*

18. 2004 Game Damage Permit Authorizations – Final. No changes to tentatives

*Action: **Lane** moved and **Murphy** seconded the motion to approve the 2004 Game Damage Permit Authorizations as recommended by the Department. Motion carried.*

19. Spring Turkey and Spring Black Bear Quotas – Final. Gary Hammond, FWP Wildlife Biologist, and Jeff Herbert, FWP Wildlife Assistant Administrator, presented the proposed recommendations to the tentatives for the 2004 Spring Turkey and Spring Black Bear Quotas.

TURKEY

Region 1 - Turkey

*Action: **Murphy** moved and **Walker** seconded the motion to approve the Region 1 Turkey regulations as recommended by the Department with the amendment to increase the Lincoln County quota to 175 for spring turkeys. Motion carried.*

*Action: **Murphy** moved and **Mulligan** seconded the motion to place the West Clark Fork area regulations under Region 1 rather than in the Region 2 regulations as printed. Motion carried*

Region 2 - Turkey

Change from unlimited youth spring turkey permits to a quota of 60 in Ravalli County.

*Action: **Murphy** moved and **Mulligan** seconded the motion to approve the Region 2 Turkey regulations as recommended by the Department. Motion carried.*

Region 3 - Turkey - No changes to tentatives.

*Action: **Mulligan** moved and **Lane** seconded the motion to approve the Region 3 Turkey regulations as recommended by the Department. Motion carried.*

Region 4 - Turkey - No changes to tentatives.

*Action: **Lane** moved and **Murphy** seconded the motion to approve the Region 4 Turkey regulations as recommended by the Department. Motion carried.*

Region 5 - Turkey - No changes to tentatives.

*Action: **Walker** moved and **Mulligan** seconded the motion to approve the Region 5 Turkey regulations as recommended by the Department. Motion carried.*

Region 6 - Turkey - No changes to tentatives.

*Action: **Brenden** moved and **Walker** seconded the motion to approve the Region 6 Turkey regulations as recommended by the Department. Motion carried.*

Region 7 - Turkey

Restore 2003 season format for Region 7 turkey hunting, which allowed for two turkeys in the spring, or one turkey in the spring and one turkey in the fall.

*Action: **Walker** moved and **Brenden** seconded the motion to approve the Region 7 Turkey regulations as recommended by the Department with the amendment to allow 2 turkeys in the fall. Motion carried.*

BLACK BEAR

Region 1, Region 3, Region 4, Region 5, Region 6 and Region 7 Black Bear. No changes to the tentatives.

*Action: **Lane** moved and **Brenden** seconded the motion to approve the Region 1, 3, 4, 5, 6, and 7 Black Bear regulations as recommended by the Department. Motion carried.*

Region 2 - Black Bear - No changes to tentatives.

*Action: **Murphy** moved and **Mulligan** seconded the motion to approve Region 2 Black Bear regulations as recommended by the Department. Motion carried.*

20. 2004 Lion Seasons and Hunting District Boundaries – Final. No changes to tentatives.

Action: **Murphy** moved and **Lane** seconded the motion to withdraw the creation of a new HD 338. Motion carried.

Action: **Lane** moved and **Mulligan** seconded the motion to approve the 2004 Lion Seasons and Hunting District Boundaries as recommended by the Department with the amendment to remove the creation of a new HD 338 from consideration within the tentatives. Motion carried.

21. 2004 Upland Game Bird Seasons – Final. No changes to tentatives.

Action: **Mulligan** moved and **Brenden** seconded the motion to approve the 2004 Upland Game Bird Seasons as recommended by the Department. Motion carried.

22. Law Enforcement Definition Changes. Mark Earnhardt, FWP Law Enforcement Program Manager presented the recommended definitions / regulation wording on four issues.

Definition of shotgun for use in Weapons Restricted Areas. Modify definition to include both a smooth-bore and a rifled barrel or a rifled choke device.

Action: **Mulligan** moved and **Lane** seconded the motion to approve the shotgun definition as recommended by the Department with the amendment to include smooth-bore and rifled barrel or rifled choke device. Motion carried.

Discussion on “sabot”. More clarification and research needs to be conducted on this issue.

Action: **Walker** moved and **Brenden** seconded the motion to delete the Sabot regulation. Motion carried.

Two-way Communication Regulation. No changes to tentatives.

Action: **Mulligan** moved and **Lane** seconded the motion to approve the two-way communication regulation as recommended by the Department. Motion carried.

Turkey Regulations under Violations of the Law. Included in the turkey regulations will be the statement “It is illegal to shoot any game bird on, from or across any public thoroughfare, or the shoulder, berm, or borrow-pit of any public highway, and/or motor/driven conveyance.” Mark **Earnhardt** recommended changing the word “thoroughfare” in the regulations to “road or highway”. The Commission concurred with that suggestion.

23. Public Opportunity to Speak on Issues Not Discussed at this Meeting. No comments.

Meeting adjourned at 4:40 p.m.

Dan Walker, Chairman

M. Jeff Hagener, Director